

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ALLIANCE BANK,	:	
	:	
Plaintiff,	:	
	:	CIVIL ACTION
v.	:	
	:	NO. 10-2249
NEW CENTURY BANK,	:	
	:	
Defendant.	:	

PRELIMINARY INJUNCTION ORDER

AND NOW, this 27th day of July 2010, upon consideration of Plaintiff's Motion for Preliminary Injunction (Doc. No. 2), Defendant's Response in Opposition to the Motion for Preliminary Injunction (Doc. No. 16), Plaintiff's Reply in Support of the Motion (Doc. No. 17), the filings of the parties and the evidence presented at the hearing held before this Court on June 17 and 18, 2010, and the oral argument held on June 29, 2010, and for the reasons set forth in the Court's Opinion dated July 27, 2010, it is **ORDERED** as follows:

1. Plaintiff Alliance Bank's Motion for a Preliminary Injunction is **GRANTED**.
2. Defendant New Century Bank, its officers, directors, principals, agents, servants, affiliates, employees, representatives, successors and assigns, and all those in privity or acting in concert or participation with Defendant, and each and all of them are hereby enjoined and restrained, pending the final hearing and determination of this action, from using CUSTOMER FIRST, CUSTOMERS 1ST, CUSTOMERS 1ST BANK, CUSTOMERS FIRST BANK or any phonetic equivalents, as a mark or name, or as a component of a mark, name or domain name, on and in connection with any banking and financial services not originating from or authorized by Plaintiff.

3. Defendant shall immediately cease and refrain from using in commerce, publishing or otherwise disseminating in any and all media (including, without limitation, Internet, television, radio, newspaper and other print, and direct mail) any advertising or promotion that uses or features CUSTOMERS 1ST and/or CUSTOMERS 1ST BANK or any other logo, trade name, or trademark which incorporates the mark CUSTOMERS 1ST and/or CUSTOMERS 1ST BANK.

4. Defendant shall immediately modify all signage on, in and around its branches to eliminate all use of CUSTOMERS 1ST and/or CUSTOMERS 1ST BANK in connection with banking services.

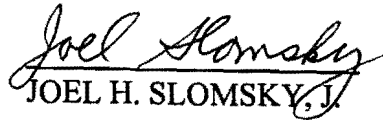
5. Defendant shall recall and destroy any and all marketing and promotional materials and packaging that contain the mark CUSTOMERS 1ST and/or CUSTOMERS 1ST BANK or any derivative, simulation, reproduction, counterfeit, copy, or colorable imitation thereof.

6. Pursuant to 15 U.S.C. § 1116(a), Defendant is further ordered to file with the Court and serve upon Plaintiff within thirty (30) days of service of this Order, a report in writing and under oath setting forth in detail the manner and form in which Defendant has fully complied with the instant injunction.

7. This injunction may be enforced by proceedings to punish for contempt, or otherwise, by this Court, or by any other United States District Court in whose jurisdiction Defendant and its officers, agents, servants, employees, affiliates, all persons in active concert or participation with, and/or any who receive actual notice of the Order by personal service or otherwise, may be found.

8. Plaintiff is required to post a bond in the amount of \$150,000.
9. This **ORDER** is effective immediately upon service to Defendant.
10. This **ORDER** shall remain in effect until final resolution of this matter.

BY THE COURT:


JOEL H. SLOMSKY, J.